



# **Supplemental Rules to ICM Registry's Rapid Evaluation Service**

Version 1.0

# SUPPLEMENTAL RULES TO ICM REGISTRY'S RAPID EVALUATION SERVICE

## 1. Definitions

- a. **The Rules** means the Rules for the Rapid Evaluation Service, approved by the Registry, having an effective date of September 1, 2011.
- b. **The Policy** means the Rapid Evaluation Service Policy ("RES").
- c. **The Forum** means the National Arbitration Forum.
- d. **Registrant** means the single person or entity listed in the registrar's Whois registration information at the time of commencement.
- e. **Submit** In these Supplemental Rules or in a Forum or Evaluator Order, documents are deemed Submitted when received by the Forum's mail server.
- f. **Business Days** refers to the days of the week from Monday through Friday, inclusive.

Exceptions-Deadlines: In the event that a deadline falls on a United States federal holiday, as defined by 5 U.S.C. §6103, the deadline shall be extended to the following Business Day.

## 2. Scope

The Forum will apply the Rules, the Policy and the Forum's Supplemental Rules in effect at the time a complaint is submitted. The Forum's Supplemental Rules may be amended by the Forum in its sole discretion.

## 3. Communications

All communications must be directed to the Forum and not to the Evaluator.

## 4. The Complaint

The complaint must be filed, per Rule 1a, online through the Forum's online filing platform at <http://domains.adrforum.com>.

- a. A complaint may relate to only one domain name in the .XXX TLD.
- b. The arguments under the Policy Section 2(a) or 2(b) shall not exceed three hundred (300) words per contention elected and shall be provided on the Forum's online filing platform.
- c. All documents submitted as evidentiary support must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the Forum in advance; all such documents must comply with file size requirements.

- d. The Forum may rename electronic files compatible with internal naming conventions, for ease of internal and Evaluator use.
- e. Fees, as set forth in Supplemental Rule 17, shall be submitted concurrently with the filing of the complaint.

## 5. The Response

- a. The method used by the Forum to communicate to the respondent will be:
  - (i) The e-mail address respondent provided in the response;
  - (ii) If no response is Submitted or if no e-mail address is provided in the response, the e-mail address of the respondent in the registrar's Whois on the date the complaint was filed or as provided to the Forum by the registrar.
- b. The response must be filed, per Rule 6, online through the Forum's online filing platform at <http://domains.adrforum.com>.
  - (i) The arguments in the response defending the contentions in the complaint shall not exceed 300 words per defense elected on the Forum's online filing platform;
  - (ii) All documents submitted as evidentiary support must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the Forum in advance, and comply with file size requirements; and
  - (iii) The Forum may rename electronic files compatible with internal naming conventions, for ease of internal and Evaluator use.

## 6. Extensions and Stays

- a. Extensions for Filing a Response
  - (i) Rule 6 provides that the respondent may request additional time to Submit a response. Any request by the respondent for an extension must:
    - (A) be Submitted in via the Forum's online filing platform before the response period has elapsed;
    - (B) state the exceptional circumstances warranting the request for an extension;
    - (C) state the length of the extension being requested (no more than ten (10) additional Business Days); and
    - (D) be Submitted with an extension fee of one hundred dollars (\$100).

(ii) The Evaluator, or the Forum if an Evaluator has not been appointed, may exercise its discretion in determining whether exceptional circumstances exist warranting an extension and if so, the length of the extension. No request for an extension will be approved if any of the conditions set forth in Section 6(a) have not been performed.

b. Stays of the Administrative Proceeding

(i) Parties may jointly request a stay for a one-time period of forty-five (45) Business Days, provided that both parties have agreed to the stay in writing and that the parties Submit the signed agreement to the Forum; an electronic signature (refer to Annex A) will be accepted. A Model Form is available on the Forum's website: <http://domains.adrforum.com>.

(ii) Prior to expiration of the Stay, at least one party must request in writing that the case be reinstated. Absent this written request, the Forum will automatically dismiss the case without prejudice; no fees will be refunded.

## **7. The Record of the Administrative Proceeding.**

The complaint and response constitute the complete record to be considered by the Evaluator.

## **8. Appointment of the Evaluator and Timing of Decision**

- a. The Forum will maintain and publish a list of Evaluators and their qualifications to which any party will be directed on the Forum's web site, <http://domains.adrforum.com>. The Forum will appoint an Evaluator from this list to serve as the sole Evaluator for the Preliminary and Final Decisions.
- b. The Evaluator will have five (5) Business Days to submit its Final Decision.
- c. The Provider will issue the Final Decision to the Parties, registrar, and the Registry within one (1) Business Day of receipt from the Evaluator.

## **9. Impartiality and Independence**

- a. All Forum Evaluators will take an oath to be neutral and independent.
- b. An Evaluator will be disqualified if circumstances exist that create a conflict of interest or cause the Evaluator to be unfair and biased, including but not limited to the following:
  - (i) The Evaluator has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
  - (ii) The Evaluator has served as an attorney to any party or the Evaluator has been associated with an attorney who has represented a party during that association;

(iii) The Evaluator, individually or as a fiduciary, or the Evaluator's spouse or dependent has a direct financial interest in a matter before the Evaluator;

(iv) The Evaluator or the Evaluator's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(1) Is a party to the proceeding, or an officer, director, or trustee of a party; or

(2) Is acting as a lawyer or representative in the proceeding.

- c. A party may challenge the selection of an Evaluator, provided that a final decision has not already been issued by filing with the Forum a written request stating the circumstances and specific reasons for the disqualification.
- d. A request to challenge must be filed in writing with the National Arbitration Forum within two (2) Business Days of the date of receipt of the notice of the selection.
- e. Provided a Final Decision has not already been issued by the selected Evaluator, the Forum will promptly review the challenge and determine whether circumstances exist requiring Evaluator disqualification in accord with this rule.

## **10. Communications Between Parties and the Evaluator**

- a. No party may directly communicate with an Evaluator.
- b. The parties may communicate with the case coordinator assigned to their proceeding by phone or e-mail. Coordinators may be reached directly, or through [domaindispute@adrforum.com](mailto:domaindispute@adrforum.com).
- c. Any request by a party for any type of action by the Forum or Evaluator must be communicated in writing to the Forum and the opposing party(s).

## **11. Withdrawal**

- a. After Commencement and Prior to response: After commencement, but before the Forum has received a response that complies with Supplemental Rule 5, the complaint may be withdrawn by the complainant. A withdrawal request must be Submitted to the Forum in writing and signed by the complainant; an electronic signature (refer to Annex A) will be accepted. A complaint dismissed by the Forum pursuant to Supplemental Rule 11(a) will be dismissed without prejudice, unless a request is made for a withdrawal with prejudice. A withdrawal request may be granted by the Evaluator in their sole discretion.
- b. After response is Received: After a response that complies with Supplemental Rule 5 has been received by the Forum, but before a final decision is issued, the complaint may be withdrawn if both parties agree to the withdrawal. A withdrawal request must be Submitted to the Forum in writing

and signed by both parties; electronic signatures (refer to Annex A) will be accepted. A complaint dismissed by the Forum pursuant to Supplemental Rule 11(b) will be dismissed with prejudice unless a request is made for a withdrawal without prejudice.

- c. The complaint cannot be withdrawn after a final decision is communicated to the respective parties.

## **12. Evaluator Decisions**

Final decisions will meet the requirements set forth in Rules 5 and 8 and will be of a length that the Evaluator deems appropriate.

## **13. Correction of Clerical Mistakes**

Clerical mistakes or clerical errors in the Evaluator's decision arising from oversight or omission by the Evaluator may be corrected by the Forum.

## **14. Communication of Decision to Parties**

The Forum will communicate the Evaluator's decision to the parties, the Registry, and the registrar as required by the Rules. In the case of a default, the email communicating the decision to the parties will indicate the date on which Respondent's Default Cure period will terminate. Information regarding the Final Decision may be published by the Registry on an aggregate basis, in a manner that does not personally identify the parties involved with the dispute.

## **15. Default Cure Period**

For a period of three months following the issuance of a final RES Decision in favor of complainant, where the respondent has submitted nothing the Evaluator considered to be a response per Supplemental Rule 5, the respondent will be permitted to cure the Default with the submission of a response per Rule 7. The following requirements will apply:

- a. The response shall be submitted in compliance with Rule 6 and Supplemental Rule 5 via the Forum's online filing platform.
- b. The late response shall be submitted with the fee as listed in Supplemental Rule 17.
- c. The Evaluator will have ten (10) Business Days to re-evaluate the submissions and may request additional information from complainant, in its sole discretion.
- d. The Forum shall forward the new or updated decision to the parties, the registrar, and the Registry and the provisions of Supplemental Rules 8 and 12-14 will apply.

## 16. Conclusion of the Proceedings.

Subject to the provisions of Supplemental Rule 15, once the Evaluator's decision is issued, the case is closed with the Forum. No further submissions or requests will be considered.

## 17. Fees (U.S. Dollars)

a. Fees:

Complainant Filing Fee	Respondent Default Cure Fee
\$1,300.00	\$100.00

b. Non-refundable fees:

Fees to be paid to the Forum as provided in these Supplemental Rules must be paid in U.S. Dollars and are non-refundable.

c. Forms of payment

Payment shall be made in one of the following forms (parties should be aware of the need for fees to be received concurrently with their submissions):

- (i) Credit card (all payments may be made on the Forum's online filing platform);
- (ii) Certified check; or
- (iii) Personal/business check.

d. If any form of payment is cancelled, stopped, returned unpaid or dishonored, without prior written authorization from the Forum, the Forum reserves the right to charge a service fee of fifty dollars (\$50) for each cancelled, stopped, returned or dishonored payment.

## 18. Effective Date

These Supplemental Rules apply to all cases filed on or after September 1, 2011.

## ANNEX A TO NATIONAL ARBITRATION FORUM'S SUPPLEMENTAL RULES

The purpose of this annex is to define technical requirements for electronic submissions.

### 1. Types of Files Supported

The National Arbitration Forum will accept files having the following extensions. If you have a file in a format not specified, you must have advance permission from the National Arbitration Forum or your submission may be rejected.

- (a) .pdf (preferred)
- (b) .doc (Microsoft Word document)
- (c) .rtf
- (d) .jpg
- (e) .tiff
- (f) .xls (Microsoft Excel spreadsheet)
- (g) .htm/.html

### 2. File Size Restrictions

- (a) No individual file may exceed 10 MB; a preferred file size limitation is 5 MB.
- (b) No party may submit electronic case documents in excess of 50MB, in the aggregate, per case number, without advance approval from the Forum (such approval will be limited to very large or complex cases).

### 3. Email Size Restrictions

- (a) No individual email may exceed 10 MB.
- (b) The documents for a single case number may be sent in multiple emails, subject to the limitations in 2(b), above.

## SUGGESTIONS AND REMINDERS

### Multiple Email Suggestions

- (a) The Forum suggests that each email relating to a single case be notated in the subject line with a single representative domain name by which all of the emails can be linked; if an FA number has already been assigned, the Forum requests that the parties use that number in the subject line of all correspondence.
- (b) The Forum suggests that each email relating to a single case bear a notation in the subject line indicating the number of emails in the batch.



(c) The Forum suggests that each email relating to a single case indicate what the party is filing.

*Example: COMPLAINT regarding <domain.com> 1 of 3*

*Example: RESPONDENTS ADDITIONAL SUBMISSION FA##### 1 of 1*

#### Electronic Signatures

The Forum recommends the following:

(a) A scanned signature inserted into the appropriate place in a document.

(b) The use of /s/ to indicate an electronic signature (i.e. /s/ John Doe)

The National Arbitration Forum does not accept links to files located on external servers and is not responsible for gathering electronic files. All files must be sent to the Forum following the RES Rules and the Forum's Supplemental Rules.

